



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JULY 8, 2008

PRESENT: Acevedo, Koepp-Baker, Davenport, Escobar, Lyle, Mueller, Tanda

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Associate Planner (AP) Golden, and Minutes Clerk Johnson. [Community Development Director (CDD) Molloy Previsich and Senior Planner (SP) Tolentino were present for agenda item 1]

Chair Koepp-Baker called the meeting to order at 7:00 p.m., inviting all present to join in pledge of allegiance to the U.S. flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Koepp-Baker opened the floor to public comment for matters not appearing on the agenda; with none present indicating a wish to address the Commissioners, the public hearing was closed.

MINUTES:

JUNE 24, 2008

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE JUNE 24, 2008 MINUTES WITH THE FOLLOWING REVISIONS:

Page 5, {add for clarity} paragraph 5: *Note: the above two items (A7 and A9 in Exhibit A) were included in the approved Resolution as Conditions of Approval.*

Page 7, paragraph 2: {add for clarity} *Commissioner Acevedo reminded that the applicant was not asking for consideration of lower placement on the sign. "The applicant paid for – and is expecting that the Commission will address – having the sign raised," Commissioner Acevedo said.*

Page 8, paragraph 2: {add for clarity} *New signs could be mounted below the existing signs."*

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Page 8, last bullet {bottom of page} ...set-a-side should be ~~erated~~ **created** ...

Page 10, paragraph 3: all ~~quality~~ **qualify**

Page 12: *Last two paragraphs reversed*

THE MOTION PASSED (7-0) WITH THE FOLLOWING VOTE: AYES:

ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER,

TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

CONSENT CALENDAR:

**1) ZA-04-05:
CITY OF MH-
HISTORICAL
RESOURCES
CODE UPDATE**

The City of Morgan Hill is proposing updates to the City's historic resources code (Chapter 18.75 of the Morgan Hill Municipal Code). The intent of the update is to streamline the development review process for the purposes of the California Environmental Quality Act by better defining the process for the identification and review of potential historical resources. The code will be used with the adopted Historic Context Statement to make determinations of significance in the future.

Commissioner Tanda asked that the matter be pulled from the Consent ~~Agenda~~ **Calendar** as he wished to offer the following comment: "I am real pleased with the amendments and how Staff addressed the concerns raised, especially with the flow chart(s) which have been drafted at this point."

Commissioner Lyle suggested one further minor change: If, during the application process, it becomes known that further studies are needed, it shall be made clear that applicant must pay for the studies. Commissioner Lyle recommended changes to Section 18.75.045.B.3 and Section 18.75.050.B2 as follows: 'City Staff will review applications for compliance with the Secretary of the Interior's Standards, and may **require that the applicant deposit funds for the City to** retain the services of a qualified historic consultant if necessary.'

COMMISSIONER TANDA MOTIONED APPROVAL OF THE FINAL REVISED DRAFT OF THE HISTORICAL RESOURCES CODE AS PRESENTED, INCLUSIVE OF THE MODIFICATION RECOMMENDED BY COMMISSIONER LYLE DURING DISCUSSION. COMMISSIONER MUELLER PROVIDED THE SECOND TO THE MOTION, WHICH PASSED (7-0) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

PUBLIC HEARINGS:

**2) DA-08-01/
DS-08-01:
MYRTLE-
LATALA**

A request for approval of a development agreement and development schedule for 3 dwelling units awarded Residential Development Control System building allocations (project is a total of 6 units) at 50 Myrtle Ave. in a CC-R RPD zoning district.

AP Golden presented the staff report, providing an overview of the background of the project, and noting that Planning Commission action was needed for both the development agreement (adopt resolution to recommend approval to City Council) and the development schedule (adopt resolution approving). AP Golden also pointed out that the dates for commence construction for the three units under scrutiny would by June 30, 2010 a

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correction to the June 30, 2008 date in the staff report.

Commissioner Mueller asked if the development schedule would be contingent on the development agreement being approved? PM Rowe responded, "No, the development agreement establishes the fiscal responsibilities and so the timeline of the development schedule is not necessary." PM Rowe also mentioned that the process being presented was part of the City's emphasis on streamlining the process for developers, with both the development agreement and the development schedule being heard simultaneously.

AP Golden advised that the project has to go through the RDCS process when the commence construction date was declared and the project becomes schedule based.

Chair Koepp-Baker opened, and then closed, the public hearing as there were none present to address the matter.

Commissioner Lyle commented that it might be well to have some focus on the issue Commissioner Mueller had raised (development agreement and the development schedule: both being in place) in the RDCS competition process.

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING A DEVELOPMENT SCHEDULE FOR 3 BUILDING ALLOCATIONS (FY 2009-2101) AWARDED TO APPLICATION MMC-07-03: MYRTLE-LATALA, INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN. COMMISSIONER ESCOBAR SECONDED THE MOTION WHICH PASSED (7-0) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER MUELLER OFFERED A RESOLUTION, RECOMMENDING TO THE CITY COUNCIL, APPROVAL OF A DEVELOPMENT AGREEMENT (DA-08-01) FOR APPLICATION MMC-07-03: MYRTLE-LATALA, INCLUSIVE OF THE FINDINGS AND CONDITIONS WITHIN AND WITH MODIFICATIONS TO

(page 7) item (j)(iv): ~~\$1,00~~ \$1,100 and

(page 8) item (l) ~~\$6,00~~ \$6,600

COMMISSIONER ESCOBAR PROVIDED THE SECOND TO THE MOTION WHICH PASSED (7-0) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**3) ZAA-06-04:
SAN PEDRO-
ALCINI/PINN
BROTHERS**

A request for a zoning amendment to a R2-3,500 RPD zoning district to allow for increases to the maximum height standard for the main dwelling units and accessory (garage) structures. The project is located on the northwest vacant parcel of the intersection of San Pedro Ave. and Church St.

AP Golden gave the staff report, advising the request was to increase the heights of the main dwelling units as well as the accessory buildings (garages) in providing a new design which was more complementary to the main dwelling units. AP Golden reminded that the

RPD zoning of the project, located at San Pedro and Church Streets had been previously

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approved by the City Council in September 2007, at which time deviations from the setback and minimum lot size requirements were agreed. AP Golden explained.

“Both a new architect and a new developer have been brought into the project. Based on the new design, the applicant is further requesting changes: the maximum height allowed (main dwelling units) is 30 feet; the request is for 33 feet and accessory structure can be up to 12 feet maximum the developer is asking for five of the accessory structures to be up to 20 feet, 8 inches. If it were not for the accessory buildings, the applicant could apply for a minor exception, but that is not possible because of the proposed changes to the garage height exceed what can be considered for a minor exception.” AP Golden went on to explain that the changes to the main structures would be on lots 1-2-3-7-8-11 and changes to the detached garages on lots 1-4-8-11-12. He also advised that the project changes had been reviewed by the ARB with approval given, contingent on Zoning amendments being obtained. “ARB liked the architecture although it exceeds the allowable within the zoning,” AP Golden said. He reminded again that the main dwelling units change could have been accomplished as a minor exception. AP Golden said that the requests would result in minimal effects on the neighbors.

“The garage structures roof lines would better match the proposed main structures; and esthetically, the matching roof lines are preferred although the accessory buildings would exceed the height restriction,” AP Golden said. “Staff looked at where the applicant intends placing the detached garages. On the site plan for lots 1 and 4, the detached garages back up to a commercially zoned district and parking lots. Through the PD, there is a required wall which will not greatly impact on the neighbors.” He went on to state that lots 11 and 12 are adjacent to common areas so no impact would be present. AP Golden said there was some staff hesitancy recommending approval of the detached garage on Lot 8 because the roof line of the proposed garage is 20-feet, 8-inches at 5 feet from the property line; however, the applicant is willing to put a similar structure to Lot 11 and with a hip style roof on all 4 sides providing a reduction of mass and resulting in the roof line being 15 feet away from the property line and reduced to 17 feet, 6 inches.

AP Golden also advised that the RPD was being replaced with a PD per newly revised zoning ordinance and this is the first PD, so the requirements are slightly different but allowable with the granting of the request.

Commissioner Escobar asked, “Is the minor exception process a venue that could take away zoning?” AP Golden explained that the minor exception is an administrative process and is restricted to a 10% limit of variation with regards to height. “For a complete site like this, which is unique, the accessory buildings do not fit within the limits of a minor exception,” AP Golden said.

Commissioner Mueller reminded that it would not be possible to grant a variance as unique findings are required.

Commissioner Acevedo commented that he did not have a lot of problem with the height, but asked if lot 8 had an acceptable setback? “The property it abuts seems close. How close are the structures to that property?” he asked. AP Golden responded that the adjacent property could have an accessory structure up to 12 feet with the allowance being 5 feet from the property line. He also noted that this is a rear property line so considering it is an

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accessory building, the issues should be minimized. Commissioner Acevedo discussed lot sizes in the area, and asked if the property owners to the north of this project had been informed of the potential zoning change? “Yes, and it will be re-noticed for the City Council hearing,” AP Golden advised. Commissioner Acevedo asked for and received the definition differences of attached and detached garages: there has to be at least 50% of a common wall to be considered attached; the breezeway does not technically make it attached.

Commissioner Tanda noted that lots 8 and 11 appear to have the ‘exact same design’. AP Golden agreed saying, “Yes, that is what staff requested. AP Golden went on to state that one of the houses is French style and the other, Arts and Crafts style. “The difference you are seeing is in the elevations which cause differences. It is more difficult to see on those lots as the garages are in the back. Providing clarification, Commissioner Tanda divulged that lots 8 and 11 appear to have two different garage styles. AP Golden said that staff is requesting to use the same garage structure on lot 8 as lot 11 but will retain the same style as the house. AP Golden went further on to state that there are some items that need to go back to ARB subcommittee and this can be reviewed at that time.

Chair Koepp-Baker opened the public hearing.

John Moniz, 1475 Saratoga Ave, Saratoga, was present to represent the applicant, and said he would answer questions.

With no others present to address the matter, the public hearing was closed.

Commissioner Mueller said he was not able to understand – with the high pitched roofs - what the effect of that steep pitch would be on the ability to emphasize solar power use, which has been identified as a priority for the City. Commissioner Davenport provided an overview of the need for placement and angle needed for solar panels for maximum efficiency and effectiveness. Considerable discussion ensued regarding the need to ensure that the applicant will comply with the wishes of the City regarding solar provision in new homes as part of the Build it Green (BIG) program.

Commissioner Lyle and Chair Koepp-Baker commented that the current design of the roofs esthetically more pleasing than previously. Chair Koepp-Baker told of her own system and how it is more efficient than she had thought it might be.

Commissioner Davenport led discussion of the vision from windows in the houses raising the roofs on the garages, as some of the windows appear to be blocked. Wide-ranging deliberates regarding the issue followed with the following noted:

- almost all garages are located in the rear of the dwellings
- elevation view (lot 8) is deceiving {from back} as there is a separation between the buildings which eliminates the vision blocking concern
- {some} windows are located over drive-thru

As requested, Chair Koepp-Baker reopened the public hearing.

Mr. Moniz discussed the window placement with the Commissioners.

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Commissioner Lyle reminded that the roof heights for lot 8 had been reduced from 20 feet, feet **8 inches** and was now 17'6". "So it is not the same as presented in the picture. The change will bring the roof down quite a bit," he said.

Responding to a question from Commissioner Davenport, Mr. Moniz and AP Golden identified the placement of the windows in the main house while looking at a reduced roof structure. AP Golden advised that as originally designed and under the agreement with the applicant, while the garage roof on lot 8 had been similar to lot 11, the design had changed so now the roof is hipped 'all the way around'. "Utilizing the picture you can easily see it is different. Commissioner Lyle is correct: the garage height is now 17'6". Additionally, the hip roof design will not pose as much of an impact to the neighbors," AP Golden said.

Discussion of the reduction of roof heights followed with emphasis on:

- one roof is 45 degree angle and other is not

- when compared by ARB, this is more attractive

- issue is RDCS criteria which was changed to capture solar / starting with next RDCS competition, steep roofs will be discouraged

Mr. Moniz advised that the applicant is building solar into the roofs and will be adding more solar ~~panels~~ **roof tiles** as warranted. He went on to explain that installing solar panels during construction is more cost effective.

Ascertaining that there were no others present to speak to the matter, the public hearing was closed.

Commissioner Lyle observed, "Commissioner Mueller has raised a valid point: the ARB needs to consider, and applicants need to be encouraged to consider the pitch of roofs for the next RDCS competition." PM Rowe reiterated that starting with next RDCS competition, steep roofs will not be allowed.

CALLING ATTENTION TO EXHIBIT A, LINE 8: STRIKING THE SUPERScript 1, COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF A ZONING AMENDMENT FROM R-2-3,500 RPD TO R-2-3,500 PD AND A REVISED PRECISE DEVELOPMENT PLAN FOR A 12-UNIT DEVELOPMENT ON A 1.66-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF SAN PEDRO AVE. AND CHURCH ST., INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN. COMMISSIONER ESCOBAR SECONDED THE MOTION WHICH CARRIED (7-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

ANNOUNCEMENTS: At the July 2, 2008 meeting of the City Council meeting, the Councilmembers received a full presentation on the Senior / Affordable Housing policy and proposed zoning amendment as related to RDCS implementation policies. Having heard the presentation, but due to the lateness of the hour, the matter was continued to the July 16, 2008 Council meeting for consideration of action.

PM Rowe reminded that the summer meeting calendar will be discussed at the July 22, 2008 Commission meeting. He requested the Planning Commissioners to consider their

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Schedules, as efforts would be made to accommodate any vacation schedules.

Commissioner Tanda asked if the City Council typically takes a break during summer? PM Rowe responded that usually a meeting may be deferred, and that the Council has already cancelled the 1st meeting in August this year.

ADJOURNMENT: There being no further business for this meeting, Chair Koepp-Baker declared the meeting adjourned at 7:50 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk